

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

RYAN RUSSELL, INDIVIDUALLY AND
ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED,

Plaintiff,

v.

CROSCILL HOME LLC, a Delaware limited
liability company,

Defendant.

: Civil Action No. 3:16-cv-01190 (PGS)(LHG)

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**NOTICE OF MOTION TO DISMISS
PLAINTIFF'S CLASS ACTION
COMPLAINT OR, IN THE
ALTERNATIVE, TO DISMISS THE
CLASS-ACTION ALLEGATIONS**

To: Gerald H. Clark, Esq.
Clark Law Firm, PC
811 Sixteenth Avenue
Belmar, New Jersey 07719
Attorneys for Plaintiff

Scott J. Ferrell
Newport Trial Group
4100 Newport Place, Suite 800
Newport Beach, CA 92660
Attorneys for Plaintiff

COUNSEL:

PLEASE TAKE NOTICE that on June 20, 2016 at 10 a.m. or as soon thereafter as counsel may be heard, the undersigned, as attorneys for Defendant, will move before the Honorable Peter G. Sheridan, U.S.D.J., at the Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, New Jersey 08608, for an order pursuant to Rules 12 and 23 of the Federal Rules of Civil Procedure granting Defendant's Motion to Dismiss Plaintiff's Class Action Complaint or, in the Alternative, to Dismiss the Class-Action Allegations.

TAKE FURTHER NOTICE that in support of this motion, Defendant will rely on its Brief in Support and the Certification of Jaime Ramhurst, filed herewith.

A proposed form of order accompanies this motion.

BUCHANAN INGERSOLL & ROONEY PC

/s/ Christopher J. Dalton

Christopher J. Dalton
550 Broad Street, Suite 810
Newark, New Jersey 07102
Attorneys for Defendant
Croscill Home LLC

Dated: May 16, 2016

Certificate of service

I certify that on this date true and correct copies of this Notice of Motion, Brief in Support, Certification of Jaime Ramhurst, and proposed form of Order were served via the Court's ECF system on all persons registered to receive such notice.

/s/ Christopher J. Dalton

Dated: May 16, 2016